

REMARKS

This Amendment is submitted prior to continued examination of the present application and is responsive to the final official action dated July 19, 2007. Claims 1-11, 49-63, 87-92, and 94-96 were pending in the application. In the official action, claims 1-11, 49-63, 87-92, and 94-96 were rejected. In this Amendment, claims 1, 11, 49, and 57 have been amended. Claims 1-11, 49-63, and 87-92, and 94-96 thus remain for consideration.

Applicants submit that claims 1-11, 49-63, 87-92, and 94-96 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

§112 Rejections

Claim 57 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 57 has been amended. Applicants submit that the amendment to claim 57 renders the claim compliant with §112. Accordingly, Applicants request that the rejection under §112 be withdrawn.

§102 Rejections

Claims 1-11, 49-63, 87-92, and 94-96 were rejected under 35 U.S.C. §102(b) as being anticipated by Daggar (U.S. Patent No. 5,748,737).

Applicants submit that independent claims 1, 11, and 49 are patentable over Daggar.

Applicants' invention as recited in claims 1, 11, and 49 is directed toward a data reproducing apparatus and a data reproducing method. Each of claims recites that reproduction "right data" is updated or changed upon reproduction of

"contents data," and that the right data is updated or changed according to subordinate data which corresponds to the contents data. Each of the claims further recites that "said contents data include[es] at least one of audio data, video data, and image data." Supporting disclosure for the contents data recitation can be found in the specification at, for example, page 51, lines 13-18.

Daggar does not disclose updating or changing reproduction right data according to subordinate data upon reproduction of contents data, wherein the contents data includes at least one of audio data, video data, and image data. Indeed, Applicants note that Daggar discloses an electronic wallet, and is provided with a display that is suitable only for the display of text data. (See Daggar Fig. 1, element 110). Accordingly, Applicants believe that claims 1, 11, and 49 are patentable over Daggar on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 2-10, 50-63, 87-92, and 94-96 are patentable over Daggar for at least the same reasons as discussed in connection with claims 1, 11, and 49.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

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The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

By 

Bruno Polito

Registration No.: 38,580

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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